

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RAYSHELL S. JOHNSON,

Plaintiff,

v.

5:20-CV-1055
(GTS/ML)

SYRACUSE POLICE DEPARTMENT, *and others*,
ONONDAGA COUNTY SHERIFF'S DEPARTMENT,
CENTRAL NEW YORK REGIONAL TRANSPORTATION
AUTHORITY,

Defendants.

APPEARANCES:

RAYSHELL S. JOHNSON
Plaintiff, *Pro Se*
605 Carbon Street
Syracuse, New York 13208

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* civil rights action filed by Rayshell S. Johnson ("Plaintiff") against the Syracuse Police Department, Onondaga County Sheriff's Department, and Central New York Regional Transportation Authority ("Defendants") alleging claims pursuant to 42 U.S.C. § 1983 and Title VII, 42 U.S.C. § 2000e-5, is United States Magistrate Judge Miroslav Lovric's Report-Recommendation recommending that Plaintiff's Complaint (Dkt. No. 1) be dismissed, with leave to replead, for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(B). (Dkt. No. 4). Plaintiff has not filed an objection to the Report-Recommendation and the time in which to do so has expired. Instead, on November 23, 2020, Plaintiff filed a

letter indicating she can “provide more proof and video recordings” but offered no further response to Magistrate Judge Lovric’s findings in his Report-Recommendation. (Dkt. No. 5.)

After carefully reviewing the relevant papers herein, including Magistrate Judge Lovric’s thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation.¹ Magistrate Judge Lovric employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein, and Plaintiff’s Complaint (Dkt. No. 1) is dismissed, with leave to amend, for failure to state a claim pursuant to 28 U.S.C. §1915(e)(B).

ACCORDINGLY, it is

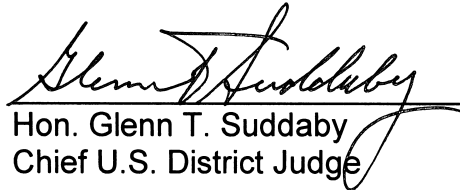
ORDERED that Magistrate Judge Lovric’s Report-Recommendation (Dkt. No. 4) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Plaintiff’s Complaint (Dkt. No. 1) is **DISMISSED** with prejudice and without further Order of the Court for failure to state a claim pursuant to 28 U.S.C. §1915(e)(B), unless, within **THIRTY (30) DAYS** of the date of this Decision and Order, Plaintiff files an Amended Complaint that cures the pleading defects identified in the Report-Recommendation; and it is further

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a “clear error” review, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) (“I am permitted to adopt those sections of [a magistrate judge’s] report to which no specific objection is made, so long as those sections are not facially erroneous.”) (internal quotation marks omitted).

ORDERED that, should Plaintiff choose to file an Amended Complaint within 30 days of the date of this Decision and Order, the Amended Complaint must be a complete pleading that does not incorporate by reference any portion of the original Complaint.

Dated: January 21, 2021
Syracuse, New York


Hon. Glenn T. Suddaby
Chief U.S. District Judge